THE HON'BLE SRI JUSTICE K.C. BHANU

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WRIT PETITION NO. 19980 OF 2005

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Dated: 22-09-2005

Between:

Kavali Balamani

……**Petitioner**

Vs.

The District Collector,

R.R. District and others.

…….Respondents

O R D E R:

This writ petition is filed for declaring the action of respondents in publishing the notification No.2/2573/2004, dated 25.08.2005 issued by the second respondent as illegal and arbitrary.

It is the case of the petitioner that he was authorized to run the Fair Price Shop vide proceedings dated 31.03.1999 issued by the second respondent-Revenue Divisional Officer, Chevella Division, Attapur, Ranga Reddy District, under Clause 3 of A.P. Schedule Commodities (Regulation of Distribution by card system) Order 1973 and there after his license was renewed from time to time. As the matter stood thus, during the subsistence of the licence of the petitioner, which is valid upto 31.03.2007, the second respondent vide orders dated 25.08.2005 issued a notification calling for issuance of fresh license. As the respondent authorities issued the notification without giving any notice to the petitioner, the same is liable to be set aside.

No counter is filed by the respondents.

The learned counsel for the petitioner contended that as his authorization is renewed upto 31.03.2007, the respondents have no authority to notify the shop and therefore, he seeks to set aside the same.

On the other hand, the learned Government Pleader for Civil Supplies submits that initially the authorization was given to the petitioner upto 31.03.2001. There after it was being extended from time to time. As per the endorsement made by the second respondent-Revenue Divisional Officer in L.Dis.No.E/530/2005, dated 00.04.2005, the authorization of the petitioner was renewed upto 31.03.2007. The learned Government Pleader produced a copy of the proceedings dated 30.06.2005 issued by the Special Grade Deputy Collector & Revenue Divisional Officer, Chevella Division, Ranga Reddy District, wherein it is stated that the authorization of the fair price shop of the petitioner has been cancelled with immediate effect. He also contends that as the authorization of the petitioner has been cancelled vide proceedings dated 30.06.2005, there is no impediment for the respondents to proceed with further in notifying the Fair Price Shop.

The learned counsel for the petitioner contends that the copy of the said proceedings has not been served on him.

Without expressing any opinion with regard to the serving of the copy of the said proceedings, the writ petition is dismissed directing the respondents to serve a copy of the proceedings, dated 30.06.2005 on the petitioner. No costs.

_____ K.C.BHANU

J.,

Dt.22.09.2005

tjs